IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1606 OF 2005
IN
SUIT NO.302 OF 2005

Datamatics Ltd. ..Plaintiff
V/s.
Maharashtra Industrial Development Corpn. ..Defendant

Mr.Janak Dwarkadas, Senior Counsel with Mr.M.S. Doctor i/b B. Munim & Co. for the Plaintiff.
Ms.Deepa Chavan i/b Little & Co. for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 30TH JANUARY, 2006.

P.C. :

1. This is the Plaintiff's Chamber Summons for amendment of the plaint by introducing paragraphs 62-A to 62-K. The entire amendment merely seeks to recite the facts which transpired after filing of the suit on 14.1.2005.

2. It is true that in paragraph 62-G, the Plaintiff has contended that the Defendant was aware that their bank account in the State Bank of India on which the suit cheques were drawn had been closed. It is also true that on which date the account is closed, is not mentioned. That however is a question of evidence. There is nothing that disallows the

Plaintiff from introducing this fact.

3. Further in paragraph 62-G, the Plaintiff has recited certain facts which according to them demonstrate their bona-fides and their continued readiness and willingness to perform the agreement dated 21.10.2005. Needless to clarify that the merits of this contention are not decided by my allowing the amendment.

4. It is also clarified that the Chamber Summons for amendment being allowed does not in any manner whatsoever prejudice the Plaintiff's case/rights regarding the cheques mentioned in the schedule to agreement (page 120 of the plaint) and the Defendant's entitlement to deposit and otherwise rely upon the same. The contention between the parties regarding the said cheques are kept open.

5. The Chamber Summons is made absolute in terms of prayer (a). The amendment to be carried out within four weeks from today.